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ALTA BATES SUMMIT MEDICAL CENTER

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
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12 COYNESS L. ENNIX, JR., M.D.,  
13 Plaintiff,  
14 v.  
15 ALTA BATES SUMMIT MEDICAL CENTER,  
16 Defendant.  
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CASE NO. C 07-2486 WHA

**REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF DEFENDANT  
ALTA BATES SUMMIT MEDICAL  
CENTER'S MOTION FOR  
SUMMARY JUDGMENT**

**DATE:** April 3, 2008  
**TIME:** 8:00 a.m.  
**DEPT:** Ctrm. 9, 19th Flr  
**JUDGE:** Hon. William H. Alsup

**COMPLAINT FILED:** May 9, 2007  
**TRIAL DATE:** June 2, 2008

Defendant Alta Bates Summit Medical Center hereby request that the Court take judicial notice of the following document pursuant to Federal Rule of Evidence 201: "Most Asked Questions About Medical Consultants." which can be found on the internet at [http://www.mbc.ca.gov/publications/medical\\_consultant\\_english-print.pdf](http://www.mbc.ca.gov/publications/medical_consultant_english-print.pdf), a website maintained by the State of California. In particular, ABSMC asks that the Court notice the Medical Board's definition of negligence:

**Negligence:** (a simple departure from the standard of practice): negligent acts that are not an extreme departure.

DATED: February 22, 2008

Respectfully submitted,

KAUFF MCCLAIN & MCGUIRE LLP

By: \_\_\_\_\_ / S /  
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CENTER

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